

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO.**

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**RE: HÉCTOR E. COLÓN-RODRÍGUEZ,
DEBTOR**

CASE NO. 21-03364 (MFC)

**DEBTOR'S INFORMATIVE MOTION IN RESPONSE TO
MOTION TO WITHDRAW AS COUNSEL OF RECORD.**

TO HONORARY COURT

I, HECTOR E. COLON-RODRIGUEZ (to simplify "I" or DEBTOR), for the reason set forth below, respectfully request the **RETENTION OF DISTINGUISHED** attorney **RAUL E. BANDAS** (to simplify: **BANDAS**), for my case of the caption, and reply to his opinionated accusations.

This petition to retain him will be seen as contradictory when the clarifying points are read, points that I must bring up replying to his derogatory and opinionated comments to support his dismissal. Despite the things to be described to challenge his accusations, **he is a great seasoned** bankruptcy lawyer and I want to retain him.

- 1) In his motion (Attachment 1), BANDAS's accusations about me, are totally untrue, insulting, and based only on his opinions, not on real facts. We believe that his

motivations are more economic than factual, but since he is harming my persona, I must reply.

- 2) On July 29, 2021, the money of my bank account increased by receiving a delayed inheritance 10 years before (PR BDP2009-0027 now BACC120190012), but on July 29, 2021, was garnished by another undefended Civil Case (PR K CDC2013-1081, Compañía de Parques Nacionales vs Fundación Eco-Cultural, Inc, erroneously mention its president or DEBTOR as “owner”
- 3) The potential money that could be garnished approaches \$80,000. They took off about \$18,000.
- 4) Since I needed a job, and since by default any money entering my personal account will be taken, I became scared (In an instant I became poorer than I thought).
- 5) Legal advisors told me to go to Bankruptcy court to *solve my problems*.
- 6) Being a *pauper*, I went to *Servicios Legales de Puerto Rico (Programa de Práctica Compensada)* and they assigned me BANDAS, on Monday, September the 20th, 2021, almost a month later the June 29 State Judicial Garnishing.
- 7) In the middle of this unexpected, garnished action the PR Judge in my siblings’ case BACC120190012 the Hon. Judge in case from *Tribunal de Aibonito* ordered me to provide all evidence for a *vista*, a process that took me a whole week, a week lost in the Bankruptcy case.
- 8) And BANDAS does not mention this situation and other circumstances as I am a disabled person (declared by the USA Social Security Administration) and have other circumstances to take care.

- 9) At the beginning of this process, the 22 of September 2021, BANDAS emailed me 20 excruciating Bankruptcy forms, full of difficult legal and accounting terminology, **without any explanation** or guidance and pressured me to start filing them quickly. He ordered the following to DEBTOR:

Deberá proveer toda la información solicitada en dichos formularios, imprimir los mismos, y luego guardar los formularios en su computadora. Luego envíeme los formularios (borradores) para mi revisión y estudio. Esto le ahorrará tiempo y esfuerzo en el trámite de la presentación de quiebras.

- 10) BANDAS did not give any information on how to fill the forms, he did not clarify the new and complex vocabulary that was not easy to understand and had many threatening warnings, in case one made mistakes and he left me alone for more than two weeks. BANDAS does not say this in his withdrawal motion. DEBTOR wasted two weeks and couldn't sleep with these extraneous.

- 11) Moreover, as English is not my first language, they were very difficult to fill without assistance from a lawyer or a paralegal. For two weeks I was left completely alone with the documents and was not until I sought help from a paralegal in *Servicios Legales*. The paralegal said that the filling of the document had to be performed and was the obligation to be filled by BANDAS, and then he was on a Friday called by the Director of *Servicios Legales*. BANDAS, next Monday following the phone call, gave me 5 unstructured hours of his time, even these 5 hours were not sufficient for my comprehension of this new procedure and complicated vocabulary. He did not admit any questions on my part and *badly* complained that *he has lost 5 valuable hours of his precious time*. He does not mention that 17 important days were lost because of this mistake.

- 12) I must add that I am a scientist and a teacher and tend to have more empathic behavior toward my students, and I expect more structured teaching. BANDAS was improvising and showed a bad temper for *wasting five hours of his time*.
- 13) Despite his unorthodox methods, I fully cooperated with BANDAS and provided him with ALL INFORMATION IN A TIMELY MANNER as the process was developing (all documents were provided upon request and many others that he did not ask but that considered important).
- 14) BANDAS often would disregard my supplied information, not read emails with new information, and later realize that this additional information was pertinent to my case, he then had to make changes and then he blamed me for such changes.
- 15) Not having a steady job, I had to verify information with past employments, in other to give the most accurate to the Hon. Court. My attention to offering accurate details vs approximated quantities were also irritating to BANDAS.
- 16) BANDAS did not realize that my US SS disability and other health issues, scientific and, uncertainties in this new bankruptcy was a new world for me.
- 17) BANDAS, as a seasoned bankruptcy lawyer, would often use irritating and loud language, a shrill voice, demanding, in hostile, and demeaning behavior toward me, during our meetings and telephone conversations. He was often intimidating and irritable which caused me to be afraid to ask him questions.
- 18) I have done my best to supply all the relative and pertinent information to BANDAS. If the information was excessive or extraneous, it was BANDAS. responsibility to distinguish between relative and non-relative content to my case. I am not an attorney, but he is.

- 19) I gave BANDAS many documents since the onset of the case and perhaps weeks in advance to December 21, 2021, 341 meetings, I made a big digital file with compartments and electronically sent it to him, he was supposed to supply it to the Síndico. All documents requested by Síndico were organized in this digital archive that BANDAS had a copy. This file is available for examination and to disprove his allegations.
- 20) So, it is wrong his claim that *"As recently as yesterday [Sunday, Jan 2, 2022] debtor reported for the first time three priority unsecured claims...."* This is not true. Bandas had this information since the beginning of the relationship and that info can be provided. Moreover, it is also not true that ["for the first time"] the debtor announced he was a party litigant with a counterclaim filed against his other siblings."
- 21) These words are not true because Bandas had these information weeks previously the 341 Creditor's Meeting held on Dec 21, 2021. Even, my lawyer in the Civil Case BACC2019001 called BANDAS to remind him that he had to take into consideration all the contents related to this case and use its elements in the Bankruptcy. So not only DEBTOR provided information to BANDAS on time, but my other lawyer did and now BANDAS is blaming me for his own omission.
- 22) It was the brightness of the Síndico, in a question made to the debtor that "opened" the omission Bandas already made and was archived in the many documents supplied to him. He had not noticed its importance, and now he is blaming me.
- 23) As a *pauper*, debtor using *Servicios Legales*, and after many complaints that BANDAS made that he was losing money (please see *"we have dedicated over 60 hours in connection to the preparation..."*) I strongly believe that his motivations are economic in

essence, and he is using his derogatory untrue comments about myself as an excuse to withdraw from the case and demean my reputation. I can show the Honorable court that BANDAS was provided on time with documents and emails, and that possibly he overlooked it or omitted the information. After all, I am not a lawyer, but he is.

24) Despite everything said, I want BANDAS to remain in my case, despite his bad temper and other derogatory behaviors, I prefer stability in the process.

25) In addition, I am poor and *Servicios Legales* might not pay for another counsel.

CERTIFICATE OF SERVICE

The undersigned debtor hereby certifies that, on this date, a copy of this document was filed with the Clerk of Court through the emergencyfiling@prb.uscourts.gov site and I hope that the Court will provide notice of this filing to all counsels of record in the captioned case. The undersigned further certifies that the foregoing has been served on Counsel Raúl Bandas at his PO Box 361773, San Juan, PR 00936-1773, and his email address rbandas@bandaslaw.com, the Chapter 7 Trustee, and to parties in interest.

RESPECTFULLY SUBMITTED

This, 13 days of January 2022, in San Juan, Puerto Rico.



HECTOR E. COLON-RODRIGUEZ
1051 calle 3 SE Apto. 814 San Juan, PR 00921-3014

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 21-03364 (MCF)

HECTOR E. COLÓN-RODRÍGUEZ

DEBTOR

MOTION TO WITHDRAW AS COUNSEL OF RECORD

TO THE HONORABLE COURT:

COMES NOW Debtor Héctor E. Colón-Rodríguez, through the undersigned counsel, and very respectfully avers and prays as follows:

1. For the reasons set forth below, the subscribing attorney respectfully requests leave from the Court to withdraw as counsel for the debtor in the case of caption.
2. Despite repeated attempts to assist the debtor in submitting accurate, timely, and relevant information to this Honorable Court and the designated Chapter 7 Trustee in support of his Chapter 7 Bankruptcy Petition, the debtor's procrastinating and uncooperative conduct makes it virtually impossible for the undersigned to continue to render effective legal representation to the debtor. During the last several months the debtor either frequently failed to produce in a timely fashion information in support of the various schedules and official forms which require, and have required, amended filings to his Bankruptcy Petition; produced irrelevant information to substantiate his petition; assured as complete and correct amended

submissions of schedules and official forms but then produces information which challenges previously reported information, etc.

3. In sum, our dedicated effort to assist the debtor with his Bankruptcy Petition is thwarted by his own conduct which further produces unnecessary amendments and submissions to the Court. So far, we have dedicated over 60 hours in connection with the preparation of the debtor's Bankruptcy Petition and amended filings. As recently as yesterday, the debtor reported for the first time three new priority unsecured claims and deleted a previously listed priority unsecured claim from Schedule E/F (Creditors Who Have Unsecured Claims). Further, in the midst of the 341 Creditors' Meeting held on December 21, 2021, the debtor announced he was a party litigant in connection with a counterclaim filed against his other siblings. This information had never been reported to the undersigned despite frequent reminders to the Debtor that he needs convey accurate information to the Court, the Chapter 7 Trustee, and the undersigned. Changes in the debtor's financial affairs have to be reported to the Court and the Chapter 7 Trustee, which, in turn, causes unnecessary and repeated filings of amended schedules.

WHEREFORE, Debtor Colón-Rodríguez respectfully requests this Court to take notice of the above and **GRANT** this request to withdraw as counsel of record for the debtor.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk of Court of the US Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed therein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that, on this date, a copy of this document was filed with the Clerk of Court through the CM/ECF system, which will provide notice of this filing to all counsels of record in the captioned case. The undersigned further certifies that the foregoing has been served on Debtor Hector E. Colón-Rodríguez at his home mailing address (1051 3 SE Street, 813 Medical Center Plaza Building, San Juan, Puerto Rico 00921) and via email at hecolonhistoria@gmail.com, the US Trustee, the Chapter 7 Trustee, and to parties in interest with an email registered wit the CM ECF system that have notices of appearance pursuant to General Order 05-09, included in the service list attached to the original hereof.

RESPECTFULLY SUBMITTED.

This, 3rd day of January, 2022, in San Juan, Puerto Rico.

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RAUL E. BANDAS
Counsel for Debtor
USDC-PR 207809

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